

EXHIBIT 38

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I N D E X

People vs. Xavier Walker and Jovanie Long

Date of Hearing: 2-19-03

Page Numbers: EE-1 through EE-95

PROCEEDINGS

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MOTION TO SUPPRESS EVIDENCE (Long)

WITNESSES:	DX	CX	RDX	RCX
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People's 1

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Defendant's 1

1 WHEREUPON,

2 MICHAEL PIETRYLA,

3 called as a witness on behalf of the People of
4 the State of Illinois, having been first duly sworn,
5 under oath was examined and testified as follows:

6 DIRECT EXAMINATION

7 BY MS. COLEMAN:

8 Q. Detective, could you please tell the judge
9 your full name and spell your last name and give us
10 your star number?

11 A. Michael Pietryla, P-i-e-t-r-y-l-a, Star
12 Number 21209.

13 Q. And where are you currently assigned?

14 A. Area 4 Homicide.

15 Q. What are your duties in Area 4?

16 A. I'm a homicide detective, ma'am.

17 Q. Back in April and May of the year 2000,
18 were you assigned to Area 4?

19 A. Yes, I was.

20 Q. On May 13th of 2000, were you assigned to
21 investigate the homicide of Marek Majdak which had
22 occurred on April 13th of 2000 at approximately
23 1:00 a.m. at 4721 West Ohio?

24 A. Yes.

1 Q. And did you -- were you assigned to
2 investigate that case until the case was cleared and
3 closed?

4 A. Yes, I was.

5 Q. Now, I'm going to direct your attention to
6 the end of May of the year 2000. By that point, was
7 the codefendant on the case, Xavier Walker, already
8 arrested and charged?

9 A. Yes.

10 Q. And was there a stop order out for a person
11 by the name of Jovanie Long?

12 A. Yes.

13 Q. Did you and your partners begin looking for
14 Jovanie Long?

15 A. Yes.

16 Q. Did you know an address for his mother of
17 4230 West Crystal?

18 A. Yes.

19 Q. Did you begin looking for the defendant at
20 that address?

21 A. Yes, we did.

22 Q. I'm going to direct your attention
23 specifically now to June 5th of 2000. That evening,
24 did you speak to anybody at that address?

1 A. Yes, I did.

2 Q. Who did you speak to?

3 A. I spoke to a woman who identified herself
4 as Regina Long, the mother of Jovanie.

5 Q. Could you keep your voice up louder?

6 A. Sure.

7 Q. Did you speak to her in person or over the
8 phone on June 5th?

9 A. Over the phone.

10 Q. When you spoke to Regina Long over the
11 phone, what did you tell her?

12 A. First we asked her if she knew the
13 whereabouts of her son and that he was implicated in
14 a homicide which occurred in May.

15 Q. Did she tell you whether she knew where her
16 son was?

17 A. She said she did not know where he was at,
18 but she had spoke with him.

19 Q. And did she tell you that she would do
20 anything with the information you had given her?

21 A. Yes. We had asked her to contact her son
22 as soon as she could and have him call us or come in
23 to talk to us.

24 Q. At any time on that date, did you speak to

1 the defendant, himself?

2 A. No.

3 Q. Now I'm going to direct your attention to
4 July 25th of 2000. Did you go to the home at 4230
5 West Crystal on the third floor?

6 A. Yes.

7 Q. Who were you with?

8 A. Detective Riordan.

9 Q. And when you and Detective Riordan went to
10 that address, did you speak to somebody who
11 identified herself as Regina Long?

12 A. Yes, we spoke with Regina Long.

13 Q. When you spoke to Regina Long at that time,
14 did you ask her about her son, Jovanie Long?

15 A. Yes, we did.

16 Q. What did you tell her?

17 A. We again explained to her why we wanted to
18 talk to him and that he had been implicated and that
19 there was an active stop order in relation to the
20 homicide and we needed to have him come in and talk
21 to us about this.

22 Q. Now, during that conversation, did you or
23 Detective Riordan ever threaten Regina Long in any
24 way about wanting to kill her son?

1 A. No.

2 Q. On July 25th, did you or Detective Riordan
3 ever actually speak to Jovanie Long either in person
4 or over the phone?

5 A. No.

6 Q. On June 5th on that conversation that you
7 spoke about with the defendant's mother over the
8 phone, did you ever make any threats at all about
9 Jovanie Long?

10 A. No.

11 Q. Between June 5th and July 25th, did you or
12 Detective Riordan or anybody else working on this
13 case to your knowledge ever speak directly to the
14 defendant at all?

15 A. No.

16 Q. Now, on July 25th of the year 2000, did you
17 receive a phone call from anyone?

18 A. Excuse me?

19 Q. Did you receive a phone call from anyone?

20 A. Yes, from Regina Long.

21 Q. And did she call you at the area?

22 A. Yes, she did.

23 Q. When she called you, did she tell you
24 anything?

1 A. She told me that she was working on trying
2 to get her son to turn himself in.

3 Q. Did she give you a time frame about when he
4 may turn himself in?

5 A. She said approximately a week, that she had
6 to make arrangements with some clergy member and that
7 he needed to get his affairs in order.

8 Q. And did she tell you that she would contact
9 you again?

10 A. Yes.

11 Q. And on August 3rd of 2000 in the evening,
12 approximately 7:00 p.m., were you contacted again by
13 Regina Long?

14 A. Yes, I was.

15 Q. Was that again over the phone?

16 A. Over the phone.

17 Q. When she talked to you on that time, what
18 did she tell you?

19 A. She told me that she would be coming in the
20 next day at noon with her son to turn himself in and
21 Reverend Major. I don't recall his last name.

22 Q. Is it Reverend Howard? Major Howard?

23 A. Yes.

24 Q. Now, at the conversation on July 28th or

1 August 3rd, did you make any threats at all
2 whatsoever with regard to Jovanie Long?

3 A. No.

4 Q. Did you ever actually speak to Jovanie Long
5 at any of those conversations?

6 A. No. No, I did not.

7 Q. And you were the one who was actually
8 speaking to Regina Long; is that correct?

9 A. Yes, I was.

10 Q. Now, on August 4th of 2000, were you at
11 the area waiting for the defendant to turn himself
12 in?

13 A. Yes.

14 Q. At approximately 11:45 a.m., did anyone
15 show up at the station?

16 A. Yes.

17 Q. Who showed up?

18 A. Jovanie Long, his mother, Regina, and the
19 Reverend.

20 Q. That's Reverend Major Howard?

21 A. Yes.

22 Q. And did you have a conversation with the
23 defendant at any point?

24 A. At that time?

1 Q. Yes.

2 A. No.

3 Q. What happened when they arrived at the
4 area?

5 A. We took Jovanie into an interview room and
6 the Rev -- I don't -- he asked if the Reverend would
7 come along. I said that would be fine, and we took
8 both of them into the interview room.

9 Q. And were you working with Detective Riordan
10 that day?

11 A. Yes.

12 Q. Was Investigator Krofel working that
13 morning?

14 A. No, he was not.

15 Q. And when you took the defendant to the
16 interview room, it was just you, Riordan, and the
17 Reverend and the defendant; correct?

18 A. That's correct.

19 Q. The person you spoke about, Jovanie Long,
20 do you see that person in the courtroom today?

21 A. Yes, I do.

22 Q. Could you please point to him and describe
23 something he's wearing today?

24 A. He's wearing a Cook County outfit and he

1 has a shaved head (indicating.)

2 MS. COLEMAN: Judge, may the record reflect
3 the in-court identification of the defendant?

4 THE COURT: It shall.

5 BY MS. COLEMAN:

6 Q. Now, in the presence of the Reverend, did
7 you or Detective Riordan do anything?

8 A. Detective Riordan read him his rights.

9 Q. Read the defendant his rights?

10 A. Yes, he did.

11 Q. Did he do that by memory or from a
12 preprinted source?

13 A. He did it from a preprinted card on the
14 back of our FOP book.

15 Q. Do you have an FOP book with you?

16 A. Yes, I do.

17 Q. Could you please turn that book to the page
18 where the rights are listed?

19 MS. COLEMAN: Judge, I'm asking that the
20 detective's FOP book be marked as People's Exhibit
21 Number 1.

22 THE COURT: It shall.

23

24

1 (WHEREUPON, People's Exhibit
2 Number 1 was marked for
3 identification.)

4 MS. COLEMAN: I would ask that the
5 detective be allowed to read the rights out of the
6 FOP book.

7 MR. CONNIFF: No objection.

8 BY MS. COLEMAN:

9 Q. The rights in that book, are those the same
10 rights read to the defendant?

11 A. Yes, they were.

12 Q. Would you begin reading them?

13 A. "Before we ask you any questions, it
14 is our duty to advise you of your rights.

15 "Number one: Do you understand
16 that you have the right to remain silent?

17 "Number two: Do you understand
18 that anything you say can and may be used
19 against you in a court or other
20 proceedings?

21 "Number three: Do you
22 understand that you have the right to talk
23 to a lawyer before we ask you any
24 questions and to have him with you during

1 questioning?

2 "Number four: If you cannot
3 afford or otherwise obtain a lawyer and
4 you want one, a lawyer will be appointed
5 for you, and we will not ask you any
6 questions until he has been appointed.

7 "Number five: If you decide to
8 answer now with or without a lawyer, you
9 still have the right to stop the
10 questioning at any time or to stop the
11 questioning for the purpose of consulting
12 a lawyer.

13 "Number six: You may waive the
14 right to advice of counsel and your right
15 to remain silent, and you may answer
16 questions or make a statement without
17 consulting a lawyer if you so desire.

18 "Number seven: Do you
19 understand each of these rights?

20 "Number eight: Do you wish to
21 answer questions at this time?"

22 Q. After each of those rights were read to the
23 defendant, did he indicate whether he understood each
24 of those rights?

1 A. Yes, he did.

2 Q. And this was in the presence of Reverend
3 Howard?

4 A. Yes, it was.

5 Q. And did Detective Riordan read the rights
6 just as you have read them today?

7 A. Yes, he did.

8 Q. Did the defendant agree to speak to you
9 about the murder of Marek Majdak?

10 A. Yes, he did.

11 Q. What did the Reverend do at that time?

12 A. The Reverend left the room.

13 Q. And when the Reverend left, what did you
14 and Detective Riordan do?

15 A. We escorted the Reverend back to where
16 Regina Long was at, and we told him that Jovanie
17 would be with us for awhile and we were going to
18 conduct some interviews with him, and that if they
19 chose to stay, that was okay. If they chose to call
20 us, that would be okay, too.

21 Q. What did you and Detective Riordan do
22 then?

23 A. Then we went back in the room and talked to
24 Jovanie Long.

1 Q. When you went back into the room, did the
2 defendant speak to you about what had happened on the
3 early morning hours of May 13th of 2000?

4 A. Yes.

5 Q. Would you characterize the statement that
6 he gave you as a denial?

7 A. Yes.

8 Q. Did he also give you a partial alibi?

9 A. Yes, he did.

10 Q. Did he name anybody in that alibi?

11 A. Yes, he did.

12 Q. Who did he name?

13 A. Hersula Byrd.

14 Q. Did he indicate who Hersula Byrd was to
15 him?

16 A. He told us it was his girlfriend.

17 Q. Did you tell the defendant anything about
18 other witnesses?

19 A. Yes, we did.

20 Q. What did you tell him?

21 A. We told him that we had third party
22 admissions from him to other people and that they
23 have already given statements.

24 Q. Did you tell him anything about the

1 codefendant, Xavier Walker?

2 A. Yes, we did.

3 Q. What did you tell him?

4 A. We told him that Xavier Walker had been
5 arrested and charged for his participation in that
6 murder and that he had given a videotape recorded
7 statement implicating him as the shooter and the
8 person who robbed the victim.

9 Q. When you say, "him," you're referring to
10 Jovanie Long?

11 A. I'm referring to Jovanie Long.

12 Q. Did the defendant, Jovanie Long, ask
13 anything at that time?

14 A. He wanted to see the videotaped statement.

15 Q. And what did you and Detective Riordan do
16 then?

17 A. We left the room, got the tape, and we
18 showed him the portion of the tape which -- in which
19 Xavier Long (sic) said that Jovanie shot him and
20 robbed him.

21 Q. When you say, "him," you're referring to
22 the victim?

23 A. To the victim, yes.

24 Q. Did you ever show him the entire tape at

1 all?

2 A. No, we did not.

3 Q. Did you ever actually show him any of the
4 statements of the people who the defendant had given
5 third party admissions to?

6 A. No, we did not.

7 Q. Now, after the defendant viewed the portion
8 of the statement where Xavier Walker implicated him,
9 what did the defendant say?

10 A. I believe he said, Xay's tricking on me.

11 Q. And then what did he say?

12 A. He asked if he could take a polygraph
13 exam.

14 Q. And did you tell him that he could?

15 A. Yes, we did.

16 Q. Did you schedule a polygraph exam?

17 A. Yes, we did.

18 Q. What time were you able to schedule the
19 polygraph exam for?

20 A. It would have been the following morning at
21 about 8:00 o'clock.

22 Q. Now, how long were your conversations with
23 the defendant on August 4th?

24 A. No longer than 40 minutes at a time.

1 Q. And how many -- approximately how many
2 times did you speak to him for 40 minutes?

3 A. Two or three times.

4 Q. Now, did you tell him that the polygraph
5 would not be until the next morning?

6 A. Yes.

7 Q. Now, that evening, where was the defendant?

8 A. He was in the interview room that we
9 brought him to originally.

10 Q. And what did you and Detective Riordan
11 begin doing that evening?

12 A. We began looking for Hersula Byrd.

13 Q. Did you spend that evening looking for
14 Hersula Byrd?

15 A. Yes.

16 Q. Were there points in time when you came
17 back to the area?

18 A. Yes.

19 Q. Was there anybody else in the area that
20 night who was working on this case aside from you and
21 Detective Riordan?

22 A. No, there was not.

23 Q. Was there any time during the evening
24 when you went to check on the defendant, Jovanie

1 Long?

2 A. Several times.

3 Q. Was there any time during that evening when
4 you went in and threatened Jovanie Long?

5 A. No.

6 Q. Did you ever tell him that if he did not
7 talk, that he would be held for an indefinite period
8 of time?

9 A. No.

10 Q. Also, Detective, was there ever a point in
11 time when the defendant told you that he would not
12 speak to you?

13 A. No, there was not.

14 Q. Now, was the defendant left alone that
15 evening until the next morning for the polygraph?

16 A. Yes.

17 Q. That evening was he fed at all?

18 A. Yes.

19 Q. And who fed him?

20 A. I think we both fed him, Detective Riordan
21 and myself.

22 Q. Do you recall what you fed him?

23 A. Probably hamburgers.

24 Q. Now, the next morning, on August 5, 2000,

1 you said the polygraph was scheduled for
2 8:00 o'clock; is that correct?

3 A. That's correct.

4 Q. Where did you have to take the defendant
5 for the polygraph exam?

6 A. To Homan Square.

7 Q. How far is Homan Square from Area 4?

8 A. About five minutes by car.

9 Q. Now, when you -- did you leave Area 4 with
10 the defendant to go to the polygraph?

11 A. Yes, we did.

12 Q. Who else was with you in the car?

13 A. Just Detective Riordan and myself and
14 Jovanie Long.

15 Q. Now, on the way to the polygraph exam --
16 you said it was about a five minute drive?

17 A. About that.

18 Q. At any point on the way to the polygraph
19 exam did you tell the defendant that if he passed the
20 exam that you would kill him and make it look like he
21 was killed attempting to escape?

22 A. No, I did not.

23 Q. Did Detective Riordan ever make those
24 claims to the defendant?

1 A. No, he did not.

2 Q. Did you or Detective Riordan make any
3 threats at all to the defendant on the way to the
4 polygraph exam?

5 A. No, we did not.

6 Q. Was there anybody else in the car besides
7 you, Detective Riordan, and the defendant?

8 A. No.

9 Q. When you got to the polygraph exam, did you
10 meet with a polygraph investigator?

11 A. Yes.

12 Q. Who was that?

13 A. Bartik.

14 Q. When you met with Bartik, was that first at
15 approximately 8:15 in the morning?

16 A. Yeah, about 8:15.

17 Q. When you met with Bartik, where was the
18 defendant?

19 A. When we met with Bartik, we put Jovanie
20 Long in the polygraph room.

21 Q. And where did you and Detective Riordan and
22 Detective Bartik go?

23 A. In his office.

24 Q. Bartik's office?

1 A. Yes.

2 Q. And what did you do there?

3 A. We explained the facts of the case, gave
4 him a copy of the case record, and briefly told him
5 that we were -- want him questioned in regards to his
6 implication as the shooter.

7 Q. And did Investigator Bartik then leave you
8 and Detective Riordan alone?

9 A. Yes, he did.

10 Q. How long was Investigator Bartik gone
11 before he returned to his office?

12 A. Five or ten minutes.

13 Q. And when he returned to his office, what
14 did he say?

15 A. He said, you better come back in here, he
16 made an admission.

17 Q. Did you go into the room where the
18 defendant was sitting for the polygraph?

19 A. Yes.

20 Q. And did you say anything to the defendant?

21 A. I asked him what he wanted to say,
22 and he told me that he shot -- he robbed him and
23 shot him.

24 Q. And --

1 A. And I asked him who, and he said, the white
2 boy.

3 Q. What did you do then?

4 A. We explained to him that -- you know, what
5 was going to be done now, that we would take him
6 back. He wasn't going to take the polygraph exam,
7 and we were going to take him back to the area.

8 Q. Did you and Detective Riordan then take him
9 back to the area?

10 A. Yes.

11 Q. When you took him back to the area, did you
12 or Detective Riordan advise him of anything?

13 A. Detective Riordan advised him of his rights
14 again.

15 Q. Was that in your presence?

16 A. Yes.

17 Q. Were those the same rights that you have
18 just read to us?

19 A. Yes.

20 Q. Did he begin reading them out of the FOP
21 book?

22 A. Yes.

23 Q. Did the defendant acknowledge he understood
24 each of those rights?

1 A. Yes.

2 Q. Did the defendant make a statement to you
3 about the murder of Marek Majdak?

4 A. Yes, he did.

5 Q. After that statement, what did you do?

6 A. We contacted felony review and told him the
7 facts of the case, and they told us that they would
8 send out a State's Attorney.

9 Q. And did a State's Attorney arrive at the
10 area at approximately 10:00 a.m.

11 A. Yes.

12 Q. Detective, was there ever a time when the
13 defendant was shown various statements from witnesses
14 until he was coached into giving a statement about
15 the murder of Marek Majdak?

16 A. No.

17 Q. In fact, the only statement that you showed
18 the defendant was whose statement?

19 A. Xavier Walker's.

20 Q. Was there ever a time when you even
21 showed the defendant the entire statement of Xavier
22 Walker?

23 A. No, we did not.

24 Q. Was there ever a time when the defendant

1 was in custody where you or anyone in your presence
2 threatened the defendant in any way that if he
3 refused to talk he'd be held for an indefinite period
4 of time?

5 A. No.

6 Q. And was there ever a time before the
7 defendant turned himself in where you or any other
8 detectives threatened to kill the defendant if they
9 found him?

10 A. No.

11 Q. Was the defendant ever in custody on August
12 2nd of the year 2000?

13 A. No, he wasn't.

14 MS. COLEMAN: I have no further questions
15 of this witness, Judge.

16 CROSS EXAMINATION

17 BY MR. CONNIFF:

18 Q. Detective, how long have you been a Chicago
19 Police Officer?

20 A. 17 years.

21 Q. How long have you been a detective?

22 A. Eight years.

23 Q. Your testimony was that the defendant
24 turned himself in; correct?

1 A. That's correct.

2 Q. Now, when a defendant turns himself in or
3 if anyone comes into the station to talk to you, what
4 records are kept of the individual being in the
5 station?

6 MS. COLEMAN: I'm going to object to
7 generally what records are kept as to relevance.

8 THE COURT: Sustained.

9 MR. CONNIFF: I can rephrase it, Judge.

10 BY MR. CONNIFF:

11 Q. With respect to Mr. Long, what records
12 would be kept indicating that he was in the station
13 on August the 4th?

14 A. Our General Progress Reports.

15 Q. All right, sir. If he comes into the
16 station, he has to appear at the desk first;
17 correct?

18 A. Yes.

19 Q. And you would be notified of his presence
20 in the station?

21 A. Yes.

22 Q. Does the desk sergeant make a notation of
23 who approaches him in the station and asks to talk
24 to the detective? Is there any record kept at the

1 desk?

2 A. I don't know.

3 Q. In your experience as a police officer, you
4 don't know whether those records are kept?

5 A. I don't believe so.

6 Q. So if Mr. Long came in on a day other than
7 August the 4th, there would be no other record
8 maintained by the Chicago Police Department other
9 than your General Progress Reports as to when he was
10 in the station?

11 MS. COLEMAN: Objection, calls for
12 speculation.

13 THE COURT: He can tell us his
14 understanding.

15 BY THE WITNESS:

16 A. Repeat the question again.

17 BY MR. CONNIFF:

18 Q. If Mr. Long came into the station on a day
19 other than August the 4th --

20 A. Mm-hmm.

21 Q. -- would there be any other record
22 of the Chicago Police Department of his presence
23 in the station other than your General Progress
24 Reports?

1 A. Depending upon what he came in for.

2 Q. All right. Let's assume he came in to turn
3 himself in.

4 A. Then there would be General Progress
5 Reports by a detective.

6 Q. So your answer, as I understand it, is the
7 only record of when a man is in the station when he
8 reports to turn himself in is the General Progress
9 Report which you prepared?

10 A. Yes.

11 Q. There's nothing -- no notation is made at
12 the desk?

13 A. No.

14 MS. COLEMAN: Objection, asked and
15 answered.

16 THE COURT: Sustained.

17 BY MR. CONNIFF:

18 Q. There's no notation made up in the Area 4
19 Violent Crimes Office, an official log of who was
20 present in the station?

21 MS. COLEMAN: Objection, asked and
22 answered.

23 THE COURT: I'll let him answer that.

24 BY THE WITNESS:

1 A. Yes.

2 BY MR. CONNIFF:

3 Q. Yes, there is such a log?

4 A. There is a log.

5 Q. And is that log kept on a daily basis?

6 A. Yes.

7 Q. All right. And what does that log --
8 describe the entries that are made in that log.

9 A. Date on which the -- whoever is coming
10 in -- what date that would be, his name and the
11 detective's name and what case.

12 Q. All right. And is that a book?

13 A. No, it's not. It's just a piece of paper
14 that they have just so that when people call to see
15 if somebody is there, they can say, yeah, he's here
16 or he's not here.

17 Q. All right. So I take it this happens every
18 day; right?

19 MS. COLEMAN: Objection.

20 BY MR. CONNIFF:

21 Q. These sheets are kept up there?

22 THE COURT: Go ahead.

23 BY MR. CONNIFF:

24 Q. Sheets are kept on a daily basis?

1 A. I assume so, yes.

2 Q. And kept on every shift?

3 A. Yes.

4 Q. And they indicate those persons who are
5 present in Area 4 Violent Crimes on that date at a
6 specific time?

7 A. Yes.

8 Q. Now, after Mr. Long turned himself in, you
9 prepared General Progress Reports?

10 A. Yes.

11 Q. And do those General Progress Reports
12 document what you did with respect to Mr. Long?

13 A. Yes.

14 Q. And do you document -- generally speaking,
15 do you document in the General Progress Report, for
16 example, the time that you began an interview with
17 the defendant?

18 A. Generally, I do.

19 Q. All right. Do you know whether you did in
20 this case?

21 A. I don't recall.

22 Q. Do you document the time that you conclude
23 an interview of a defendant?

24 A. Yes, sometimes I do.

1 Q. Did you do it in this case?

2 A. I don't recall.

3 Q. You say sometimes you do. Is there any
4 policy which the Chicago Police Department requires
5 that you do so?

6 MS. COLEMAN: Objection to the relevance.

7 THE COURT: No, go ahead. I'll let him
8 answer.

9 BY THE WITNESS:

10 A. I -- I'm -- I don't know.

11 BY MR. CONNIFF:

12 Q. Okay. So with regard to a defendant giving
13 you a statement, sometimes you put down the time you
14 start and end and sometimes you don't?

15 A. Yes.

16 Q. And what guides you in making the
17 determination as to whether you document it?

18 A. It just depends upon how busy I am and what
19 I'm doing.

20 Q. All right. So if it -- strike that.

21 Do you document each and every
22 separate conversation that you have with the
23 defendant?

24 A. No.

1 Q. So you could have more than one
2 conversation with the defendant and you would
3 summarize it as though you were having one
4 conversation; is that correct?

5 MS. COLEMAN: Judge, I'm going to object to
6 what the detective generally does.

7 THE COURT: Sustained.

8 BY MR. CONNIFF:

9 Q. All right. But with respect to whether or
10 not you document each separate conversation, your
11 answer was no?

12 A. That's correct.

13 Q. Do you document in the General Progress
14 Report times when defendants ask to go to the
15 bathroom?

16 MS. COLEMAN: Again, objection to the
17 relevance of what the detective generally does.

18 THE COURT: Sustained.

19 BY MR. CONNIFF:

20 Q. Did the defendant ask to go to the bathroom
21 in this case?

22 A. Oh, yes.

23 Q. He did. Did you note that in your General
24 Progress Report?

1 A. I would have to review my report.

2 Q. What is the instruction that you have
3 been given by the Chicago Police Department as a
4 detective with regard to documenting that particular
5 subject?

6 MS. COLEMAN: Objection to relevance.

7 BY MR. CONNIFF:

8 Q. What is the policy, the general policy?

9 THE COURT: He can answer.

10 BY THE WITNESS:

11 A. Of going to the bathroom?

12 BY MR. CONNIFF:

13 Q. Of noting in your General Progress Reports
14 your treatment of the defendant. For example, his
15 request to go to the bathroom, what time it occurred,
16 and the fact that you let him go to the bathroom.
17 What's the general policy regarding General Progress
18 Reports?

19 A. The general policy would be that we took
20 him to the bathroom, fed him, gave him cigarettes,
21 Coke, with no specific time or date.

22 Q. So the general policy is to simply mention
23 it in the General Progress Reports?

24 A. Yes.

1 Q. And there's no instruction to you to
2 keep a chronological log of -- by time and subject
3 exactly what you did with regard to the defendant
4 and conversations that were had and actions
5 that were taken concerning him in a chronological
6 fashion?

7 A. That's correct.

8 Q. You indicated that you began your
9 investigation on or about May the 13th, which is the
10 date of the homicide; correct?

11 A. Yes.

12 Q. And the first conversation that you had
13 with Regina Long was on June the 5th?

14 A. That's correct.

15 Q. Were there any prior conversations with
16 Regina Long by other detectives that you were aware
17 of?

18 A. Not that I'm aware of.

19 Q. Would Detective -- was Detective Sanders
20 involved in this investigation?

21 A. Yes, he was.

22 Q. Was Detective Wright?

23 A. Yes, he was.

24 Q. Did you have conversations with them

1 concerning the conduct of the investigation?

2 A. Yes, I did.

3 Q. Did they ever tell you that they had talked
4 with Regina Long?

5 MS. COLEMAN: Objection to the relevance,
6 Judge. This detective is not named in the motion.

7 THE COURT: Go ahead. I'll allow it.

8 BY THE WITNESS:

9 A. Not that I recall.

10 BY MR. CONNIFF:

11 Q. Did you ever review any notes or General
12 Progress Reports that they had made concerning a
13 conversation with Regina Long before you talked to
14 her on June the 5th?

15 A. No.

16 Q. You indicated that you had a telephone
17 conversation with Regina Long on June the 5th;
18 correct?

19 A. That's correct.

20 Q. And she told you that she hadn't seen her
21 son?

22 A. Yes.

23 Q. And that she had talked to him on the
24 phone?

1 A. That's correct.

2 Q. And that she told him that the police were
3 looking for him?

4 A. I don't know what she said to her son.

5 Q. You don't know what she said?

6 A. All I know is what she told me.

7 Q. And what did she tell you? Did she tell
8 you that she had told her son that the police were
9 looking for him?

10 A. No, she did not.

11 Q. She did not say that in that conversation?

12 A. Not to me she did not.

13 Q. Did she tell you whether she knew where he
14 was?

15 A. She said she did not know.

16 Q. You then had a conversation with Regina
17 Long on July the 25th?

18 A. That's correct.

19 Q. Now, between May the 13th and June the 5th,
20 what shift were you working during that period of
21 time?

22 A. Third watch.

23 Q. Third watch?

24 A. Yes.

1 Q. Were the other detectives on first and
2 second watch also working this case?

3 A. As far as Jovanie Long was concerned?

4 Q. As far as May the 13th through June the
5 5th, the first contact with Regina Long?

6 A. Yes.

7 Q. And they were out on the street in the
8 neighborhood looking for people to talk to?

9 A. Yes.

10 MS. COLEMAN: Objection to the relevance.

11 THE COURT: Sustained.

12 BY MR. CONNIFF:

13 Q. Do you know -- you, yourself, were out on
14 the street looking for Jovanie Long during this
15 period?

16 A. That's correct.

17 Q. And from -- the same would be true of June
18 the 5th through July the 25th?

19 A. That's correct.

20 Q. And approximately how many people would you
21 say that you talked to in the neighborhood during
22 that period of time from May the 13th through July
23 25th?

24 A. In whose neighborhood?

1 Q. In the neighborhood where you were looking
2 for Jovanie Long?

3 A. Approximately?

4 Q. Yes.

5 A. 10, 15.

6 Q. 10 or 15 people?

7 Were any of those people brought into
8 the station and questioned?

9 A. Yes.

10 MS. COLEMAN: Objection to the relevance,
11 Judge.

12 THE COURT: I'll reserve ruling. I'm
13 giving you some latitude, but we're going to try to
14 stick to the written petition.

15 BY MR. CONNIFF:

16 Q. Did you talk to neighbors?

17 A. Whose neighbors?

18 Q. Jovanie Long's neighbors?

19 A. No, I did not.

20 Q. You did not.

21 Did you talk to relatives?

22 A. I did not.

23 Q. You say you did not. Are you aware of
24 someone else who did?

1 A. No, I'm not.

2 Q. So as far as you know, no one did?

3 MS. COLEMAN: Objection.

4 THE COURT: Sustained.

5 BY MR. CONNIFF:

6 Q. You never talked to any cousins, nieces,
7 uncles, aunts, anyone like that who purported to be a
8 relative of Jovanie Long during that period of time?
9 No one?

10 A. Not that I recall.

11 Q. And your testimony is that no one else did
12 as far as you know?

13 A. As far as I know, yes.

14 Q. So you, yourself, nor no one in your
15 presence ever threatened anyone in the neighborhood
16 with regard to Jovanie Long's presence or your
17 looking for him?

18 A. No.

19 Q. And you never nor did anyone else as far as
20 you know take anyone into custody with the objective
21 of trying to find out where Jovanie Long was?

22 A. No.

23 Q. And your testimony is that you never
24 threatened Regina Long's mother?

1 A. No, I did not.

2 THE COURT: I'm sorry. Never threatened
3 who?

4 MR. CONNIFF: I'm sorry. I misspoke,
5 Judge. Jovanie Long's mother, Regina.

6 BY THE WITNESS:

7 A. No, I never threatened her.

8 BY MR. CONNIFF:

9 Q. All right. You never suggested to her
10 that if Jovanie Long didn't turn himself in that he
11 might be shot on the street because this was a murder
12 case?

13 A. No, I did not.

14 Q. Did anyone else make that statement to her
15 in your presence?

16 A. No.

17 Q. And you never -- just so we're clear, you
18 never threatened any member of his family?

19 A. No, I did not.

20 Q. Nor did anyone else that you know about?

21 A. No.

22 Q. Now, you worked on the case from May the
23 13th until Jovanie Long turned himself in?

24 A. That's correct.

1 Q. And did you work the same shift during that
2 period of time?

3 A. I was assigned to the same shift. I worked
4 various hours.

5 Q. Did you work on this case every day?

6 A. No.

7 Q. About how many days out of every seven did
8 you work on this case would you estimate?

9 A. Probably three to four.

10 Q. Three to four.

11 And did you generate for those three
12 to four days each week General Progress Reports for
13 the shifts that that period of time would cover as to
14 what you were doing on the case during that period of
15 time?

16 MS. COLEMAN: Objection to the relevance.

17 THE COURT: Sustained.

18 BY MR. CONNIFF:

19 Q. You transported Jovanie Long to the
20 polygraph examination?

21 A. Yes, Detective Riordan and myself.

22 Q. And were there conversations in the car
23 between yourself and the -- and Officer Riordan and
24 Jovanie Long?

1 A. No.

2 Q. Did you ever suggest to him on the way to
3 the polygraph examination that the results of the
4 examination would not matter?

5 A. No, I did not.

6 Q. Or words to that effect?

7 A. No, I did not.

8 Q. Did you ever suggest to him on the way to
9 the examination that Jovanie Long could be killed and
10 that you could make it appear as if he were trying to
11 escape?

12 A. No, I did not.

13 Q. You mentioned a couple of times in your
14 testimony that there was a stop order for Jovanie
15 Long?

16 A. That's correct.

17 Q. That is not a warrant for his arrest;
18 correct?

19 A. No, it's not.

20 Q. What is the meaning of a stop order in the
21 Chicago Police Department?

22 A. It means that if he is stopped by another
23 police agency or Chicago, his name will appear that
24 we want him in questioning for -- and it will relate

1 to the RD number which we're asking about.

2 Q. All right. So if he's at another
3 station, you'll be notified, and you'll go pick him
4 up there?

5 A. If -- yes.

6 Q. And finally, Detective, you pulled out the
7 book of Miranda warnings, and you testified -- you
8 read those rights from the book; correct?

9 A. That's correct.

10 Q. And you said that the way you read the
11 rights today is the way you saw Officer Riordan read
12 them to the defendant?

13 A. Yes.

14 Q. He actually pulled out his book and read
15 them to the defendant?

16 A. Yes, he did.

17 Q. Do you know how long Officer Riordan has
18 been a police officer?

19 A. I believe he's been a police officer for 12
20 or 14 years, somewhere around there.

21 Q. Not -- strike that.

22 Not with respect to Officer Riordan,
23 but with respect to yourself, in all of your years as
24 a Chicago Police Officer, do you still pull out the

1 book and read from the book to each and every person
2 that you give the rights to?

3 A. I always do.

4 Q. You never give them from memory?

5 A. Never.

6 Q. And why is that?

7 A. Because my --

8 MS. COLEMAN: Objection to the relevance.

9 THE COURT: He can answer.

10 BY THE WITNESS:

11 A. Because I don't want to miss anything.

12 BY MR. CONNIFF:

13 Q. You don't want to miss any?

14 A. A word of the rights. I do not want to
15 miss not one word.

16 MR. CONNIFF: I have nothing further.

17 MS. COLEMAN: I have nothing based on that,
18 Judge.

19 THE COURT: Thank you, sir.

20 (Witness excused.)

21 MS. COLEMAN: We'd ask leave to call
22 Detective Riordan. The testimony will be very brief,
23 but I'd ask the foundation be laid for the videotaped
24 statement, so I'd ask to set up the video. It's all

1 ready to go.

2 THE COURT: Okay.

3 (Brief pause.)

4 MS. COLEMAN: I don't believe the detective
5 has been sworn.

6 THE COURT: Would you stand and raise your
7 right hand.

8 (Witness sworn.)

9 THE COURT: Please be seated.

10 WHEREUPON,

11 JOHN RIORDAN,

12 called as a witness on behalf of the People of
13 the State of Illinois, having been first duly sworn,
14 under oath was examined and testified as follows:

15 DIRECT EXAMINATION

16 BY MS. COLEMAN:

17 Q. Detective, could you please tell the judge
18 your name, star number, and unit of assignment?

19 A. Gang specialist John Riordan,
20 R-i-o-r-d-a-n, Star Number 60040. I'm assigned to
21 Area 4 Violent Crimes.

22 Q. Now, on August 5th of the year -- August
23 4th and 5th of the year 2000, were you assigned to
24 Area 4?